

## REMARKS

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over US patent No. 7,203,740 (hereinafter referred to as (Putzolu) in view of US patent No. 7,359,984 (hereinafter referred to as Hackney). Reconsideration of the rejection and allowance of the pending claim is respectfully requested in view of the claim amendments submitted herewith and the following remarks.

**M.P.E.P. 2143.03** provides that to establish *prima facie* obviousness of a claimed invention, all the claims limitations must be taught or suggested by the prior art. All words in a claim must be considered for judging the patentability of the claim against the prior art.

Claim 4 is directed to a method for relaying Internet Protocol (IP) packets to an external control component assigned to a network node in a communication network. As amended, claim 4 in part recites “receiving an in-band IP signaling packet at an external interface of a plurality of external interfaces of the network node”. See page 7/9, paragraph [0035] of the disclosure. (Unmarked Substitute Spec). Claim 4 further recites “based on the value uniquely assigned to the receiving external interface, identifying which external interface of the plurality of external interfaces received the IP signaling packet”.

### First Basis of Traversal

The Examiner concedes that Putzolu fails to describe or suggest each of the structural and/or operational relationships of the claimed invention. The Examiner applies Hackney to purportedly correct the deficiencies of Putzolu regarding the claimed invention. As elaborated in greater detail below, Applicant respectfully submits that Hackney fails to correct the deficiencies of Putzolu regarding the claimed invention. Accordingly, the combination of Putzolu and Hackney fails to render unpatentable claim 4 under §103.

The Examiner on page 5 of the Office Communication asserts that “Hackney discloses that the DCHP field of the packet is modified . . . for identifying a destination address that the packet will be routed to”. Applicant does not disagree from such an assertion by the Examiner. However, Applicant respectfully notes that one skilled in the art would appreciate that the foregoing disclosure of Hackney has little to do with the structural and/or operational relationships recited in the claimed invention. That is, Hackney may be useful to provide

destination address information, as stated by the Examiner. However, this is very different and has essentially nothing to do with “based on the value uniquely assigned to the receiving external interface, identifying which external interface of the plurality of external interfaces received the IP signaling packet”, as set forth in the claimed invention. The value uniquely assigned to the receiving external interface does not identify a destination address to which the packet will be routed, as Hackney describes. Applicant is concerned with routing a packet to an external control component, not to the interface being identified by the uniquely assigned value. Applicant will proceed to discuss below alternative bases of traversal.

### Second Basis of Traversal

Applicant agrees that Putzolu is silent regarding any specifics regarding RSVP (Resource Reservation Protocol or utilization of a DSCP field (Differentiated Services Code Point). However, Putzolu is not silent in describing that an object of his computer system is allowing proprietary forwarding elements to operate with standard control elements in network architecture. See Abstract of Putzolu. The Examiner argues that control element 230 is relevant in connection with the present invention. However, as described by Putzolu, and consistent with a stated object of Putzolu (i.e., to achieve standardization), the control element of Putzolu is adapted to generate a standardized data set for configuring the forwarding element. See Summary of the Invention of Putzolu. See also Abstract of Putzolu. One of the senses of the term **Standard** (as defined by Merriam Webster dictionary) refers to something established by authority, custom, or general consent as a model or example. Thus, one skilled in the art, based on the disclosure of Putzolu, would reasonably construe that Putzolu uses RSVP (Resource Reservation Protocol) in a standard manner. To presume otherwise would contradict the disclosure of Putzolu and the plain meaning of the word standard.

Conversely, Hackney expressly describes a non-standard use of the DSCP (Differentiated Services Code Point field), such as for quality of services (QoS) or other management service processing. One skilled in the art such as Hackney recognizes that his use is different than prior use of DSCP. That is, Hackney proposes a use of DSCP, which is different than the standard use of DSCP. Accordingly, the proposed combination of Putzolu (control element that generates a

standardized data set) and Hackney (describing a non-standard use of the DSCP field) does not meet the requirements of M.P.E.P. 2143.01 V, M.P.E.P. 2143.01 VI or both.

In the present case, the proposed modification (non-standard use of DSCP by Hackney) would render the prior art being modified (Putzolu) unsatisfactory for its intended purpose (providing standardized data set). Therefore, there is no suggestion or motivation to make the proposed modification.

Applicants further submit that the proposed modification (non-standard use of DSCP by Hackney) would change the principle of operation of the prior art being modified (the principle of operation of Putzolu is based on use of standardized data set). One skilled in the art would appreciate that the suggested combination of Putzolu and Hackney would likely require a substantial reconstruction and/or redesign of the system described by Putzolu to reconcile the non-standard use of DSCP by Hackney. Accordingly, the teachings of the references are not sufficient to render the claims *prima facie* obvious.

Applicants further submit that the foregoing violations of M.P.E.P. §2143.01 and/or M.P.E.P. §2143.01 VI are substantial indicia that the Examiner has failed to articulate a reasoning with the “rational underpinning” required under **MPEP 2143.01(IV)**. For example, in view of the foregoing considerations, there is no rational underpinning for the assertions provided by the Examiner in the second paragraph on page 5 of the Office Communication regarding the desirability of the combination of Putzolu and Hackney.

In view of the foregoing considerations, under either of the bases traversal discussed above, it follows that the teachings of the combination of Putzolu and Hackney are not sufficient to render the claim *prima facie* obvious and the 103 rejection should be withdrawn.

Please proceed to the next page.

Conclusion

It is respectfully submitted that the claim pending in this application recites patentable subject matter, and it is further submitted that such a claim complies with all statutory requirements and thus such claim should be allowed.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: Sept 21, 2010

By: Janet D. Hood  
Janet D. Hood  
Registration No. 61,142  
(407) 736-4234

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, New Jersey 08830